

**REMARKS**

Claims 4-8, 11, 12, 14 and 16-19 are pending in this application. By this Amendment, claims 4-8, 11, 12, 14 and 16 are amended, claims 9 and 10 are canceled, and claims 17-19 are added. Reconsideration of the present application based on the above amendments and the following remarks is respectfully requested.

Applicants appreciate the Office Action's indication that claims 7, 8, 10-12, 14 and 16 contain allowable subject matter and would be allowable if rewritten (1) to overcome the rejection under 35 U.S.C. §112, second paragraph, and (2) to include the features of the base claim where applicable. Claims 7, 8, 11, 12, 14 and 16 have been amended to overcome the §112 rejection. Moreover, claims 7 and 8 have been amended to include the features of base claim 4. As such, claims 7, 8, 11, 12, 14 and 16 are in condition for allowance. Favorable consideration and prompt allowance of claims 7, 8, 11, 12, 14 and 16 are respectfully requested.

The Office Action rejects claims 4-14 and 16 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Office Action (1) states that the preamble of the claims recite an engine, however, the regenerator, heat exchanger, etc., are external to the engine; (2) asserts that it is not clear what elements comprise the circulation system and heat supply device, and asks where the disclosure for the circulation system and heat supply device can be found in the specification; (3) asserts that the phrase "the heat exchanger one of when the heat" reads poorly; (4) asserts that it is not clear whether the connecting restraint device claimed in claim 10, refers to the same connecting restraint device claimed in claim 4; (5) asserts that claims 6, 7 and 12 suffer from a gap in elements; and (6) asserts that claims 10 and 16 appear to contain contradictions in that the bypass channel recirculates flow through the engine to warm it up, but then recite

coolant is not allowed into the bypass from the regenerator to warm up the engine. This rejection is respectfully traversed.

Claims 9 and 10 are canceled. As such, the rejections regarding these claims are moot. With regard to the remaining claims, it is respectfully submitted that the claims are clear and particularly point out the features of these claims. Moreover, it is respectfully submitted that the claims are consistent and do not contain contradictions. Nonetheless, as discussed below, claims 4-8, 11, 12, 14 and 16 have been amended at Applicants' preference to clarify the features of these claims.

For example, with respect to: (1), the preambles of the claims have been amended to claim a system including an internal combustion engine; (2), the claims have been amended to recite that the heat medium supply device supplies a heat medium including heat; (3), the objected-to phrase is revised throughout the claims; (4), claim 10 has been canceled and, as such, the rejection is moot with respect thereto; (5), claims 7 and 12 have been amended, at Applicants' preference, to clarify the features of these claims with regard to the arrangement of the connecting restraint device and the circulation system; and (6), claim 16 has been amended for better clarity.

Moreover, with respect to (2), the circulation system and heat medium supply device are disclosed throughout the specification and figures. For example, the circulation system may include channels A, B, C, and D, as shown and described, for example, in Fig. 1 and paragraphs 62-88 of the specification. The water pump 12, as shown in Fig. 1 and disclosed in paragraph 74 of the specification, is an example of a heat medium supply device.

As such it is respectfully submitted that the claims are clear and particularly point out and distinctly claim the features Applicants regard as the invention. Accordingly, withdrawal of the rejection of the claims under 35 U.S.C. §112, second paragraph, is respectfully requested.

The Office Action rejects claims 4 and 5 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,138,618 to Genster; claim 6 under 35 U.S.C. §103(a) as being unpatentable over Genster, and further in view of DE 4105199 to Hofele; and claim 9 under 35 U.S.C. §103(a) as being unpatentable over Genster, and further in view of DE 2916216 to Linder. These rejections are respectfully traversed.

Claim 4 recites, *inter alia*, a connecting restraint device that restrains circulation of the heat medium into the heat exchanger (a) when the heat medium is supplied by the heat supply device while the internal combustion engine is stopped and/or (b) when the internal combustion engine is under a cold condition.

Genster discloses that a valve 9 controls the inflow to the heating system heat exchanger 10 (col. 3, lines 16-21); and that the valve does not at first permit the cooling water to flow through the radiator until it is sufficiently warm (col. 1, lines 23-25). Moreover, Genster discloses that even before startup of the engine heat is supplied to the heating system (col. 1, lines 49-53); and that the pump can set the circulation system into action before engine startup and thus transport heat of the latent heat accumulator to the heating system heat exchanger (col. 1, lines 61-66).

As such, valve 9 of Genster provides (does not restrain) circulation of a heat medium into a heat exchanger while the internal combustion engine is stopped, e.g., before the startup of the engine. There is no disclosure in Genster of when or how valve 9 is controlled to restrain inflow to the heat exchanger.

Thus, Genster fails to disclose that a connecting restraint device restrains circulation of a heat medium into a heat exchanger (a) when the heat medium is supplied by the heat supply device while the internal combustion engine is stopped and/or (b) when the internal combustion engine is under a cold condition.

Moreover, it is respectfully submitted that neither Hofele nor Linder make up for the deficiencies of Genster.

It is respectfully submitted that neither Hofele nor Linder make up for the deficiencies of Genster. As such, it is respectfully submitted that the applied art fails to disclose either individually, or in combination, all of the features of claim 4. Thus, for at least the reasons discussed above, it is respectfully submitted that claim 4, and claims 5 and 6, which depend from claim 4, are distinguishable over the applied art. Furthermore, claim 9 has been canceled. Accordingly, withdrawal of the rejections of the claims is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:  
Amendment Transmittal

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